

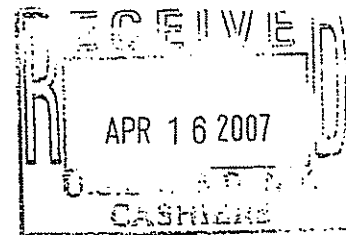
STANTON 07 CV 3071

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RAILROAD INSURANCE UNDERWRITERS,

Plaintiff,

v.

CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON, EXCESS INSURANCE COMPANY
LIMITED and HARPER INSURANCE LIMITED,

Defendants.

Civil Action No: 07 cv 3071 (LLS)

Hon: Louis L. Stanton, U.S.D.J.

NOTICE OF REMOVAL
ECF CASE

TO: CLERK OF THE COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that Certain Underwriters at Lloyd's, London ("Lloyd's"), Excess Insurance Company Limited ("Excess") and Harper Insurance Limited ("Harper") (collectively, "Defendants") by and through the undersigned counsel, pursuant to 28 U.S.C. §§ 1441(a) and 1446, hereby file this Notice of Removal to this Court of the above-styled action pending in the Supreme Court of the State of New York, County of New York. In support of this Notice, Defendants respectfully state as follows:

1. By a Complaint dated February 22, 2007, an entity styled as Railroad Insurance Underwriters ("RIU") commenced an action in the Supreme Court of the State of New York, County of New York. The Complaint is captioned as *Railroad Insurance Underwriters v. Certain Underwriters at Lloyds's, London, Excess Insurance Company Limited, and Harper Insurance Limited*. A copy of the Summons and Complaint served upon Defendants is attached as Exhibit A.

2. Defendant Lloyd's is a collective name for certain insurance and/or reinsurance syndicates which conducted business at the Lloyd's insurance exchange in London, England. A syndicate is a combination of individuals, referred to as "Names," carrying on an insurance or reinsurance business through a named underwriter. One or more of the Defendants known as Lloyd's are not citizens of the United States.

3. Defendant Excess is an insurance company duly organized and existing under the laws of the United Kingdom, with its principal place of business in England.

4. Defendant Harper is an insurance company duly organized and existing under the laws of the United Kingdom, with its principal place of business in England.

5. The reinsurance contracts which are the subject of the Complaint, a copy of one of which is attached as Exhibit B, each contain an arbitration clause as follows:

ARTICLE 13 – ARBITRATION CLAUSE

As a precedent to any right of action hereunder, if irreconcilable differences of opinion should arise as to the interpretation of this Contract, it is hereby mutually agreed that such differences shall be submitted to arbitration, one arbiter to be chosen by the Reinsurers and one by the Reassured, and the third, if such be necessary, by the first two, the expense of such arbitration to be equally shared by the two parties in interest. The decision of a majority of the arbiters shall be final and binding upon both parties. In the event of arbitration said arbitration shall take place in New York, New York, unless some other location is mutually agreed upon.

6. The Complaint pertains to an agreement or agreements, being a series of reinsurance contracts which, pursuant to 9 U.S.C. § 202, fall under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The action filed by RIU concerns commercial arbitration agreements which are not entirely between citizens of United States.

7. The Complaint states claims which arise out of irreconcilable differences of opinion as to the interpretation of the reinsurance contracts at issue.

8. Pursuant to 9 U.S.C. § 203, the United States District Court for the Southern District of New York has subject matter jurisdiction over the action currently pending in the Supreme Court of New York, County of New York.

9. Venue is proper in this Court under 9 U.S.C. §§ 204 and 205 as one or more of the arbitration agreements designate New York, New York as the place of arbitration and because this Court is in the district embracing the place when the action to be removed is pending.

10. No previous Notice of Removal has been filed or made to this Court for the relief sought herein.

11. All named Defendants in this action consent to removal to this Court. Counsel for Defendants Excess and Harper have signed this Notice of Removal, and obtained consent from counsel for Lloyd's to sign this Notice of Removal on his behalf. A copy of the e-mail confirming such consent is attached as Exhibit C.

12. This action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

13. This Notice of Removal is timely pursuant to 9 U.S.C. § 205, which provides that defendants may remove the action "at any time before the trial thereof."

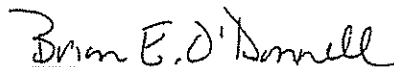
14. By filing this Notice of Removal, Defendants do not waive any of their denials, objections, or defenses to Plaintiff's Complaint.

15. Pursuant to 28 U.S.C. § 1446(d), contemporaneously with the filing of the Notice of Removal, Defendants will file a copy of this Notice of Removal with the Supreme Court of New York, County of New York and will thereby notify the Clerk of that court of the removal. Defendants will also deliver a copy of this Notice of Removal to Plaintiff's counsel in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, this action is hereby removed from the Supreme Court of New York, County of New York to the United States District Court for the Southern District of New York, as provided by law.

April 16, 2007

Respectfully submitted,



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